

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

IN RE)	
CHRISTOPHER E. BANKS)	Chapter 7 Case No.20-10511-SDB
)	
Debtor(s))	
)	
CHRISTOPHER E. BANKS)	
)	
Movant)	
)	
CELINA DIETZ)	
)	
Respondent)	
)	

**MOTION TO AVOID JUDICIAL LIEN IN EXEMPT PROPERTY UNDER
SECTION 522(f)**

COMES NOW **DEBTOR(S)** by counsel, and files this Motion pursuant to 11 U.S.C. §522(f) and Bankruptcy Rule 4003(d) to avoid certain liens on property of the Debtor. In support of this Motion, Debtor states as follows:

1. The Debtor(s) filed a petition for relief under Chapter 7 of the Bankruptcy Code on or about MAY 21ST 2020.
2. This Court has jurisdiction over this motion, filed pursuant to 11 U.S.C. Sec. 522(f) to avoid and cancel a judicial lien held by CELINA DIETZ, (hereinafter the “Respondent”) on property held by the debtor.
3. Respondent recorded a judicial lien against the following property of the debtors:

Checking and/or savings accounts including cash on hand, as well as any real or personal property in which Debtors have an interest.

The aforementioned judicial lien is entered of record as follows:

CIVIL COURT OF RICHMOND COUNTY

CELINA DIETZ v. CHRISTOPHER E. BANKS, CASE NUMBER 302645

FILED IN BOOK 62 PAGE 566 ON OCTOBER 25th, 2018.

4. All such possessions of debtor have been claimed as fully exempt in their bankruptcy case.
5. The existence of Respondent's lien on debtor's household and personal goods impairs exemptions to which the debtor would be entitled pursuant to 11 U.S.C. Sec. 522 (b).

WHEREFORE, the Debtor respectfully requests that the Court enter an Order against respondent, avoiding and canceling the judicial lien in the above mentioned property and for such additional or alternative relief as may be just and proper.

Respectfully submitted this 16 day of JUNE, 2020.



Roger Claridge
GA. Bar No. 001314

Claridge Law Firm, LLC
206 Pleasant Home Road
Augusta GA 30907
(706) 860-4500

UNITED STATES BANKRUPTCY COURT
Southern District of Georgia

In the matter of:
CHRISTOPHER E. BANKS

)
)
) Chapter: 7

) Case No.: 20-10511-SDB
)

Debtor(s)

CHRISTOPHER E. BANKS

)
)
)
)
) Movant
)

CELINA DIETZ

)
)
)
) Respondent(s)
)

NOTICE OF MOTION TO AVOID LIEN

Movant has filed papers with the court to avoid your lien in debtor's property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney.

If you do not have an attorney, you may wish to consult one.

If you have legal grounds to oppose the avoidance of your lien, or if you wish the Court to consider your views on the motion, you must file a written request for a hearing with the Clerk of the Bankruptcy Court before the expiration of thirty (30) days from the date stated in the certificate of service.

If you mail your request for a hearing to the court, you must mail it early enough so that it will be received within the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request is filed, you will receive notice of the date, time and place of hearing.

If you or your attorney do not take these steps, the Court will decide that you do not oppose the relief sought in the motion and will enter an order avoiding your lien.

Date 6/16/2020



Attorney for Movant

ROGER CLARENCE

Lucinda Rauback, Clerk
United States Bankruptcy Court
Southern District of Georgia

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

IN RE)	
CHRISTOPHER E. BANKS)	Chapter 7 Case No.20-10511-SDB
)	
Debtor(s))	
)	
CHRISTOPHER E. BANKS)	
)	
Movant)	
)	
CELINA DIETZ)	
)	
Respondent)	

ORDER AVOIDING JUDICIAL LIEN

After notice of opportunity for hearing and motion having been served to the respondent(s) and no response having been filed; the motion of the above named debtor (s), to avoid and cancel the lien of respondent(s) is granted. The judicial lien is of record as follows:

CIVIL COURT OF RICHMOND COUNTY

CELINA DIETZ v. CHRISTOPHER E. BANKS, CASE NUMBER 302645,
FILED IN BOOK 62 PAGE 566 ON OCTOBER 25th 2018.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED the lien of the respondent(s) is hereby avoided and cancelled.

[END OF DOCUMENT]

Presented by:

/S/ ROGER R. CLARIDGE

ROGER R. CLARIDGE

GA Bar No.: 001314

Claridge Law Firm

206 Pleasant Home Road

Augusta GA 30907

706-860-4500

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the within and foregoing Notice of Motion to Avoid Judicial Lien, Motion to avoid Judicial Lien and Proposed Order upon the following by depositing same in the United States Mail, addressed as follows, with sufficient postage attached;

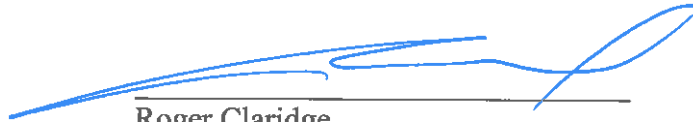
CELINA DIETZ
C/O JEFFREY PEIL
7013 EVANS TOWN CENTER BLVD.
SUITE 502
EVANS, GA 30809

And via Electronic notice as propounded by this Court upon the following:

James Overstreet Esq.
Chapter 7 Trustee

US Trustee

DATED this 16 day of JUNE, 2020.



Roger Claridge
GA Bar No. 001314
Attorney for Debtor

Claridge Law Firm LLC
206 Pleasant Home Road
Augusta, GA 30907
(706) 860-4500